

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RAUL ANGEL VALENCIA,

Plaintiff,

v.

No. 24-cv-0476-KWR-KBM

ALISHA TAFOYA, *et al*,

Defendants.

**ORDER DIRECTING CURE AND  
DENYING MOTION TO APPOINT COUNSEL**

This matter is before the Court on Plaintiff Raul Angel Valencia's Motions for Leave to Proceed *In Forma Pauperis* (Docs. 3, 7) (IFP Motions). Also before the Court is Plaintiff's Motion to Appoint Counsel (Doc. 4). As to the IFP Motions, Plaintiff does not include a six-month inmate account statement, as required by 28 U.S.C. § 1915(a)(2). Plaintiff shall cure this deficiency within thirty (30) days of entry of this Order. All filings should include the case number (No. 24-cv-0476-KWR-KBM) and be labelled as legal mail. The failure to timely comply with this Order may result in dismissal without further notice.

As to the remaining motion, “[c]ourts are not authorized to appoint counsel in 1983 ... cases; instead, courts can only ‘request’ an attorney to take the case” on a *pro bono* basis. *Rachel v. Troutt*, 820 F.3d 390, 397 (10th Cir. 2016). This decision is a matter of discretion. *Toevs v. Reid*, 685 F.3d 903, 916 (10th Cir. 2012). Relevant factors include “the merits of the claims, the nature of the claims, [the inmate’s] ability to present the claims, and the complexity of the issues.” *Rachel*, 820 F.3d at 397. Considering these factors, the Court will not ask a local attorney to handle this case on a *pro bono* basis. The claims primarily pertain to Plaintiff's conditions of

confinement/excessive force and are not particularly complex. Plaintiff's filings also reflect he is able to prosecute this action on a *pro se* basis. The Motion to Appoint Counsel (Doc. 4) will therefore be denied without prejudice.

**IT IS ORDERED** that within thirty (30) days of entry of this Order, Plaintiff shall submit an inmate account statement reflecting transactions for a six-month period; and Plaintiff's Motion to Appoint Counsel (**Doc. 4**) is **DENIED without prejudice**.

  
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UNITED STATES MAGISTRATE JUDGE